



USE OF FORCE

Directive: 8 - 101

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I. PURPOSE

The purpose of this Directive is to establish policy on the use of deadly force by Police Officers.

II. POLICY

The preservation of life, protection of property and apprehension of criminal offenders are the primary responsibilities of Police Officers. The most important of these is the preservation of life. The use of force by a Police Officer is a serious action and must be justified based on the facts and circumstances particular to the situation in which the force is utilized. It is the policy of the Department of General Services Maryland Capitol Police (DGS-MCP) that Police Officers will not use any more force than is necessary to affect an arrest, overcome any resistance that is offered and maintain custody and control of a prisoner. When defending themselves or others in danger, Police Officers will only use that degree of force that is reasonable and necessary to repel the attacker.

III. USE OF FORCE

- A. Deadly Force is defined as that level of force which is intended to cause death or grave injury or creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.
- B. Grave injury is defined as a bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or impairment of the functioning on any body part.
- C. While Officers are authorized to meet force with that degree of force necessary and reasonable to repel an attack or terminate unlawful resistance, the use of force continuum should be used progressively when force is used. The continuum is outlined as follows:
 - 1. Physical Presence
 - 2. Verbal Persuasion/Commands
 - 3. Open Hands Control
 - 4. Use of O.C. Spray

5. Physical Control Holds
 6. Use of a Striking Instrument
 7. Deadly Force (as a last resort)
- D. When an Officer uses any degree of force that results in injury to someone, medical assistance will be provided as soon as possible. Medical assistance will be provided to the injured person regardless of how minor or slight the injury.

IV. DEADLY FORCE

- A. Deadly Force may consist of the use of a firearm, or the utilization of some other piece of equipment that is designed, intended and routinely used for other legitimate purposes, such as flashlights, asp batons, vehicles, etc. The deliberate use of any such item, instrument, article or equipment in a potentially lethal manner is prohibited except in cases where the use of deadly force is authorized in this policy.
- B. The degree of force used in a confrontation must be consistent with both the severity of the incident and the urgency of its disposition. Police Officers may employ deadly force in the performance of their duties under the following circumstances:
1. In self-defense, or to defend another person who is being unlawfully attacked, from death or grave injury. There is no requirement that an actual specific injury be inflicted. It is, however, required the potential for such an injury be must be present and the threat must be imminent. Officers may continue to use deadly force as long as the suspect attempts to inflict serious injury and indicates a willingness to do so.
 2. To effect the arrest or prevent the escape of a violent or potentially violent felon only when all of the following conditions exist:
 - (a) Every other reasonable means of effecting the arrest or maintaining custody of the felon have been exhausted;
 - (b) The perpetrator is a known felon or the Officer has probable cause to believe the perpetrator committed a felony;
 - (c) The perpetrator used or threatened to use deadly force in the commission of a felony;
 - (d) Officers have reason to believe the felon poses an imminent, significant threat of using deadly force or inflicting grave injury to the Officer or others if not immediately apprehended;
 - (e) Every reasonable consideration has been given to prevent inadvertent injury to innocent bystanders; and

(f) When feasible, a Police Officer has given notice of intent to use deadly force and the felon refuses to surrender.

3. Other reasonable means of achieving the objective might include, but are not limited to:

(a) Using the radio to direct other units to prevent suspect's escape;

(b) Challenging the suspect to halt, and

(c) Pursuing the suspect until it becomes obvious that an apprehension is unlikely and/or further pursuit is likely to endanger the officer or others.

NOTE: *There maybe situations where the issuance of a verbal warning prior to using deadly force would be detrimental to the safety of the Officer or others. In such a case, an Officer need not give warning if to do so would increase the risk of death or grave injury to the Officer or others.*

C. If there is substantial risk of injury to innocent people from an officer's use of deadly force, the Officer may not use deadly force, unless no other reasonable alternative is available.

D. Warning shots are prohibited!

E. Firearms Use – Prohibited

1. A police employee of the Department shall not discharge a firearm:

(a) as a warning

(b) in any felony case which does not meet the previously set forth conditions

(c) at or from a moving vehicle except:

1. as a measure of self-defense or defense of another when the suspect is using potentially deadly force other than the vehicle.

2. when all conditions regarding a fleeing felon are not present.

3. when a vehicle is driven in a manner deliberately intended to kill or severely injure a police employee or citizen who is on foot.

4. in any attempt to apprehend a misdemeanor.

2. Under no circumstances will employees of the Department of General Services Maryland Capitol Police display a weapon in a flagrant manner or in any manner which is unsafe or would invite unfavorable comment from the public.

3. All police employees of the DGS-MCP should use prudence and good judgment in the off duty wearing of firearms at any activity where the employee will be consuming alcoholic beverages. To be consistent with guidance given at annual firearms training best practice is to not mix firearms with alcohol or prescription drugs.
4. A police employee must reasonably anticipate a situation justifying the use of a weapon before removing it from its holster or otherwise displaying it. The use or display of weapons in circumstances other than those described in this section is contrary to Department policy.

V. UNARMED SUSPECTS

- A. From time to time Police Officers are confronted with unarmed individuals who possess the ability and intention of inflicting life threatening injuries with their bare hands or the ability and intention of disarming an Officer. This ability may exist in one or more of the following characteristics offered as examples:
 1. Force of numbers-The officer is outnumbered and attacked.
 2. Size and physical ability of the suspect(s) as compared to the involved Officer
 3. Size and mental disturbance, including the instability and danger brought on by the use of drugs, such as Phencyclidine, or as a result of mental illness.
 4. Expertise or proficiency in unarmed combat.
 5. Any combination of the above.
- B. Deadly force may be justified when confronted by an unarmed suspect who:
 1. Is aggressively trying to overcome the Officer.
 2. Is capable of or has inflicted potentially grave or life threatening injury to the Officer or others.
 3. The Officer is unable to control the suspect with any other readily available means;
and
 4. The Officer cannot withdraw without unreasonably exposing himself/herself or someone else to danger.

VI. POINTING A WEAPON AT A SUSPECT

- A. Is permitted when the Officer reasonably believes that a person poses a significant, potential threat.
- B. The trigger finger should be off the trigger and outside the trigger guard until the Officer is prepared to justifiably fire the weapon.

- C. If an Officer points a weapon at someone, that person should be frisked for weapons. Anytime an officer frisks someone for weapons a Use of Force Report should be completed and submitted to the supervisor within twenty-four hours of the incident. A copy of this report will be sent to the Maryland State Police.

VII. FOOT PURSUIT

- A. Police Officers may chase a suspect on foot with a firearm in hand under the following circumstances:
 - 1. The Officer reasonably believes the suspect poses a significant potential threat of grave or life threatening injury.
 - 2. The weapon must be pointed in a safe direction.
 - 3. The trigger finger must be off the trigger and outside the trigger guard.
 - 4. When engaged in a foot pursuit officers should not close in on, tackle, or wrestle with a suspect with a drawn weapon.
 - 5. Officers should not handcuff or frisk a suspect who has resisted or fled until additional Officers have arrived to assist and the Officer conducting the frisk or handcuffing the suspect has holstered the service weapon. Additionally, the suspect should be in a kneeling position when the frisking and handcuffing procedure is conducted.
 - 6. Officers should not use the service weapon as an impact tool or contact weapon.

NOTE: *While it is permitted to chase a suspect with the weapon in hand, it is recommended that for a foot pursuit the officer holster the weapon to prevent damage, loss or an accidental discharge of the weapon.*

VIII. UNAUTHORIZED DEADLY FORCE

- A. Deadly force must never be used on mere suspicion that a crime, no matter how serious, was committed or the person being pursued committed the crime. Police Officers should either have witnessed the crime or should have sufficient probable cause to believe the suspect had committed, is committing or is about to commit an offense for which the use of deadly force is permissible.
- B. Under no circumstances will an Officer use deadly force to stop a suspect who is fleeing in order to avoid being arrested for a misdemeanor and the use of deadly force is not otherwise authorized by this order or by law.
- C. Officers are prohibited from discharging their firearms from a moving vehicle, except when the threat of immediate danger or death to themselves or others is substantially clear. Officers must assess the totality of the circumstances before discharging their weapon(s) from a moving vehicle.

IX. DANGEROUS/SICK/INJURED ANIMALS

- A. Officers are authorized to discharge a firearm to destroy a dangerous animal that poses a threat to the officer or others. A dangerous animal may only be shot if the animal is unconfined and presents an immediate threat/danger.
- B. Officers may discharge a firearm to destroy an animal that is sick or injured and humanity requires its relief from further suffering. Shooting an injured animal should be done as a last resort and when animal control authorities cannot respond in a reasonable time.
- C. Officers who discharge a firearm to kill an animal either sick, injured or a threat to the officer or others need only complete and submit an Incident Report to their immediate Supervisor.
- D. Officers should be as close as safety allows when destroying an animal.
- E. Officers should be aware of the potential for ricochets. The angle of fire should be away from bystanders. A soft backstop should be selected which will minimize the potential for ricochets.

X. REPORTING PROCEDURES FOR USE OF FORCE

- A. Police Officers will complete and submit a Use of Force Report each time force is used against an individual. The Use of Force Report will be completed and submitted before the end of the tour of duty during which the incident occurred, unless an extension is approved by the Detachment Commander.
- B. When the level of force used during an arrest, or while a suspect is in custody, is greater than normally required to handcuff a suspect, each Officer who used such force will complete a Use of Force Report.
- C. In the event force is used and results in a life threatening injury or death, or a firearm is discharged in the line of duty, the Police Officer will notify his/her immediate Supervisor as soon as possible. The Supervisor will then immediately notify the Detachment Commander.
- D. When an incident occurs at a location within the jurisdiction of the DGS-MCP, the Chief of Police or his designee will determine whether DGS-MCP will conduct the investigation or the Maryland State Police will be requested to investigate the incident.
- E. In areas outside the jurisdiction of the DGS-MCP and the Maryland State Police, the local police will conduct the investigation.
- F. Officers involved in any use of force or deadly force incident should refrain from discussing the incident with anyone other than their Commander, the investigators assigned to conduct the criminal and administrative investigations of the incident, or their selected counsel, until authorized to do so by their Commander.

- G. Officers involved in a use of force incident that results in grave injury or death will be afforded their rights provided by law. Personnel involved in such an incident will be allowed legal representation, should it be desired.